THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3861 OF 2006

DATED: 13-02-2007

BETWEEN

Vadde Shivamma, D/o. Jambulaiah,
R/o. Chandranayak Tanda,
Khanamet Village, Ragendranagar Taluq,
Ranga Reddy District.

...PETITIONER

AND

The Commissioner of Police,
Cyberaad Commissionerate,
at Lakdikapool, Hyderabad
and others.

...RESPONDENTS

ORDER:

Petitioner submits that she made a written representation dated 25.02.2006 before the Inspector of Police, Madhapur Police Station marking a copy to the Commissioner of Police, Cyberabad alleging that one Satyanarayana and others were interfering with the peaceful possession and enjoyment of her property admeasuring
36 guntas in Sy.No.11/23 part and 11/25 part situated at Khanamet Village, Rajendra Nagar Taluk; in spite of injunction orders dated 03.02.2006 passed in I.A.No.423 of 2006 in O.S.No.305 of 2006 on the file of the Additional Junior Civil Judge, Ranga Reddy District,
in respect of the said land. It is further stated as the aforesaid persons made an attempt to encroach the said land, she filed the aforesaid representation for giving necessary police protection and for taking appropriate action.

2. A perusal of the written representation dated 25.02.2006 goes to show that it was filed before the Commissioner of Police but not before the Inspector of Police, Madhapur.

3. The Inspector of Police, Madhapur Police Station, filed a counter stating that, in fact, the petitioner lodged a complaint on 25.02.2006 before the Commissioner of Police, Cyberabad, though addressed to the Inspector of Police, Madhapur. The second respondent received the said complaint on 06.03.2006 for taking necessary action and the contents of the complaint revealed that no cognizable offence was made out. All the other allegations of the petitioner have been denied.

4. If that be so, it is for the petitioner to take appropriate action either by filing a contempt case for violation of the interim injunction or by filing a private complaint before the concerned Magistrate under Section 200 read with 190 of the Code of Criminal Procedure, 1973; but no writ of mandamus can be issued.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 13, 2007
DSK